



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/809,584	03/15/2001	Mark Rose	1991-00200	5899
23505	7590	01/24/2006	EXAMINER	
CONLEY ROSE, P.C. P. O. BOX 3267 HOUSTON, TX 77253-3267			DASS, HARISH T	
			ART UNIT	PAPER NUMBER
			3628	
DATE MAILED: 01/24/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/809,584

Applicant(s)

ROSE, MARK

Examiner

Harish T. Dass

Art Unit

3628

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 30 December 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 4 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
13. ☐ Other: _____.


HYUNG SOUGH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

Continuation of 11. does NOT place the application in condition for allowance because: Applicant's arguments filed 12/30/2005 have been fully considered but they are not persuasive. Because: In response to applicants remark recitation "Although the Examiner has applied both the Datek and Newsletter references against the claims, in the initial office action only each of the entire documents was cited and in the final office action only a portion of the claims were addressed.

Applicant failed to point out what portion of the claim is not addressed.

In response to applicant's argument "the Examiner has provided no motivation to combine the applied art..." that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, See office action page 3 line 5 "to allow investor to fill up a mutual fund application form online and invest easy way".

In response to applicants remark recitation "A general review of the invention may be helpful to the Examiner, as there is crucial claim language the Examiner has appeared to overlook. ..."

In response to applicant's argument "A general review of the invention may be helpful to the Examiner, as there is crucial claim language the Examiner has appeared to overlook. ..." that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., features which are in background of invention, Abstract such as: security or option, pre-filled, research service) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to applicants remark recitation "A minimum, however, the Applicant ... addressed", see the followings:

Regarding the following limitation "retrieving from a service provider information regarding a specific security, wherein the information includes a representation of a link to an online brokerage service; actuating the representation, thereby retrieving an order form for the specific security from the online brokerage service. See the detail as follows,

www.datek.com (datek URL) is an online trading website and well known (see page 1a of 23 of prior art submitted 1/13/2005) which is accessible using Internet by typing the URL in browser's address field or clicking on the URL. When the URL is entered (go button or search button). The browser retrieves the datek web page with datek's home page information, which enables the user interaction with the resources on the web page. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to open a browser and open the datek website and obtain (retrieve) trading information provided by datek (service provider).

Examiner used the Wayback Machine to retrieve prior art datek WebPages and retrieved, prior art, pages for Datek Online, which is related to this invention. The datek home page has couple of icons or buttons ("New Account", "Info Desk", "customer login", etc), which are URL links to other webpages or other websites for retrieving more information. For example, page 3 "New Account" button represents a link to new page (New Account – page 4/23) which is a URL for page 4 www.datek.com/Accounts/index.html, by clicking on (actuating) "New Account" button, page 4 is retrieved, in order to see the URL, examiner uses the mouse right button and by clicking it opens a menu and from menu select property, which shows the URL link. Similarly, "customer login" should go to customer logging (user id /password) and account (see 2/23). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to configure the button to link to any webpage or website represented by for retrieving any information, form (see page 2 "Fill out the online form and get free real-time quote How about right now?") retrieves page 6/23, retrieving Express Order Entry Service (see page 12), brokerage site, etc. Page 84/109 Datek, prior art, shows icon for broker other than Datek such as: E-Trade and mutual fund Magellan (which is a security) see button "3-star site Magellan", Page 106/109 shows more funds, and page 104/105 shows more brokers links. Page 14/23 shows that "What You Can Trade With Datek Online" that user can trade stocks using datek and when a security such as stock is purchased a stock certificate is send to the purchaser (page 13/23), which implies it is a specific security (stock). Page 4/23 shows link to application form. Pages (8-11 of 23 show application entry form and submitting the form. Page 5/23 shows providing quotes. Page 8/23 shows a drop down menu "click on this arrow for choices", which fills up the field as it is selected. Page 104/105 shows a dropdown menu for brokers, link to stock tables, etc.

Regarding the following limitation "completing the order form; and submitting the order form to the brokerage service." See Mutual Fund Newsletter page ¼ "www.mutualfundsindia.com Update - 'Investing Made Easy' You can now fill up a mutual fund application form (completing the order form) ... next time when you decide to invest (purchase), you need to select only the schema name .. The desired form is generated ... for Kotak (specific fund)" and inherently submitted to process.